

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

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| IN RE:<br><br>CORRECTION TO 199 IAC 9.3(1), LAND<br>RESTORATION RULES | DOCKET NO. RMU-01-5 |
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**ORDER COMMENCING RULE MAKING**

(Issued May 22, 2001)

Pursuant to the authority of Iowa Code §§ 476.1, 476.2, 479.29, 479B.20, and 17A.4 (2001), the Utilities Board proposes to adopt the rules attached hereto and incorporated herein by reference in this order. These rules amend 199 IAC 9.3(1). This proceeding has been identified as Docket No. RMU-01-5. The reasons for proposing these amendments are set forth in the attached notice of intended action.

**IT IS THEREFORE ORDERED:**

1. A rule making proceeding identified as Docket No. RMU-01-5 is commenced for the purpose of receiving comments on the proposed rules in the notice attached hereto and incorporated herein by reference in this order.

2. The Acting Executive Secretary is directed to submit for publication in the Iowa Administrative Bulletin a notice in the form attached to and incorporated by reference in this order.

**UTILITIES BOARD**

/s/ Allan T. Thoms

/s/ Susan J. Frye

ATTEST:

/s/ Judi K. Cooper  
Acting Executive Secretary

/s/ Diane Munns

Dated at Des Moines, Iowa, this 22<sup>nd</sup> day of May, 2001.

## **UTILITIES DIVISION [199]**

### **Notice of Intended Action**

Pursuant to Iowa Code sections 17A.4, 476.1, 476.2, 479.29, and 479B.20, the Utilities Board (Board) gives notice that on May 22, 2001, the Board issued an order in Docket No. RMU-01-5, In re: Correction to 199 IAC 9.3(1), Land Restoration Rules. The Board is proposing to amend 199 IAC 9.3(1) to correct a typographical error that occurred in the adoption of 199 IAC Chapter 9, effective March 14, 2001.

The Board adopted a new Chapter 9 that established new rules regarding restoration of agricultural lands during and after pipeline construction effective March 14, 2001. The Adopted and Filed for Chapter 9 was published in the Iowa Administrative Bulletin on February 7, 2001, as ARC 0436B. The error occurred after a staff recommendation to clarify 199 IAC 9.3(1) to indicate that it applied to intrastate pipelines was approved. The clarification that added the word "intrastate" to the first sentence of subrule 9.3(1) was discussed and set out in the preamble to the Adopted and Filed. In the adopted subrule 9.3(1) the word "intrastate" was typed as "interstate." This typographical error changes the application of the subrule and does not reflect the statutory support cited in the subrule. Because of the different meanings of the words "intrastate" and "interstate," this rule making is necessary to ensure the requirements of the subrule are applied correctly.

Pursuant to Iowa Code sections 17A.4(1)"a" and "b," any interested person may file a written statement of position pertaining to the proposed amendments. The statement must be filed on or before July 3, 2001, by filing an original and ten copies in a form substantially complying with 199 IAC 2.2(2). All written statements should clearly state the author's name and address and should make specific reference to this docket. All communications should be directed to the Acting Executive Secretary, Iowa Utilities Board, 350 Maple Street, Des Moines, Iowa 50319-0069.

No oral presentation is scheduled at this time. Pursuant to Iowa Code section 17A.4(1)"b," an oral presentation may be requested or the Board on its own motion after reviewing the statements may determine that an oral presentation should be scheduled.

These amendments are intended to implement Iowa Code sections 17A.4, 476.1, 476.2, 479.29, and 479B.20.

The following amendment is proposed.

Amend 199—subrule 9.3(1) as follows:

**9.3(1)** An intrastate ~~interstate~~ natural gas pipeline or hazardous liquid pipeline that is subject to Iowa Code section 479.5 or 479B.4 shall file its proposed plan with the board at the time it files its petition for permit pursuant to 199 IAC 10.2(479) or 13.2 (479B), or a petition for amendment to permit which proposes pipeline construction or relocation pursuant to 199 IAC 10.9(2) or 13.9(479B). Review of the land restoration plan will be coincident with the board's review of the application for

permit, and objections to the proposed plan may be filed as part of the permit proceeding.

May 22, 2001

/s/ Allan T. Thoms

Allan T. Thoms  
Chairperson